

Michael K. Johnson  
Kenneth W. Pearson  
**JOHNSON BECKER, PLLC**  
33 South 6th Street, Suite 4530  
Minneapolis, MN 55402  
Telephone: (612) 436-1800  
Facsimile: (612) 436-1801  
mjohnson@johnsonbecker.com  
kpearson@johnsonbecker.com

Ryan L. Thompson  
**WATTS GUERRA LLP**  
5250 Prue Road, Suite 525  
San Antonio, Texas 78240  
Telephone: (210) 448-0500  
Facsimile: (210) 448-0501  
rthompson@wattsguerra.com

Hunter J. Shkolnik  
**NAPOLI, BERN, RIPKA &  
SHKOLNIK LLP**  
350 Fifth Avenue  
New York, New York 10018  
Telephone: (212) 267-3700  
Facsimile: (212) 587-0031  
hunter@napolibern.com

Tor A. Hoerman  
Kenneth Brennan  
**TORHOERMAN LAW LLC**  
101 W. Vandalia Street, Suite 350  
Edwardsville, Illinois 62025  
Telephone: (618) 656-4400  
Facsimile: (618) 656-4401  
thoerman@torhoermanlaw.com  
kbrennan@torhoermanlaw.com

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

**IN RE: INCRETIN-BASED  
THERAPIES PRODUCTS  
LIABILITY LITIGATION**

**Relates to: ALL CASES**

**Master File No.: 3:13-md-02452-AJB-MDD**

**MDL – 2452**

**PLAINTIFFS' MOTION TO FILE THEIR  
MEMORANDUM IN SUPPORT OF  
PLAINTIFFS' MOTION TO COMPEL  
AGAINST ALL DEFENDANTS FOR  
THEIR COMMUNICATIONS WITH OR  
RELATED TO CERTAIN FOREIGN  
REGULATORY AGENCIES UNDER  
SEAL**

Pursuant to CivLR 79.2(b), ECF Administrative Policies and Procedures 2(j), the Honorable Anthony J. Battaglia's Civil Case Procedures Section IV, the Amended Protective Order entered in this matter (Doc. 564), and this Court's September 5, 2014 Order sealing Plaintiffs' Memorandum in Support of their Motion to Compel Discovery

Case No. 13-md-02452-AJB-MDD

**PLAINTIFFS' MOTION TO FILE THEIR MEMORANDUM IN SUPPORT OF PLAINTIFFS' MOTION TO COMPEL AGAINST ALL  
DEFENDANTS FOR THEIR COMMUNICATIONS WITH CERTAIN FOREIGN REGULATORY AGENCIES UNDER SEAL**

1 of Adverse Event Source Documents and Databases (“Adverse Event Memorandum”)  
2 (Doc. 600), Plaintiffs respectfully request an Order to file the attached Memorandum of  
3 Law in Support of their Motion to Compel Against All Defendants for Their  
4 Communications With or Related to Certain Foreign Regulatory Agencies (“Foreign  
5 Regulatory Memorandum”) and its supporting Exhibits under seal. Pursuant to section  
6 11(b) of the Amended Protective Order (Doc. 564), Plaintiffs briefly state their position  
7 regarding confidentiality.

8 As with Plaintiffs’ Adverse Event Memorandum, Plaintiffs’ Foreign Regulatory  
9 Memorandum and its exhibits quote from or describe confidential regulatory  
10 communications to Merck from Health Canada, particularly the document that was  
11 originally attached as Exhibit 15 to Plaintiffs’ Adverse Event Memorandum. As this  
12 document has been permanently sealed by this Court in its September 5, 2014 Order,  
13 Plaintiff requests their Foreign Regulatory Memorandum and the supporting Exhibits also  
14 be filed under seal.

15 For the reasons set forth above, Plaintiffs request an Order allowing the filing of its  
16 Foreign Regulatory Memorandum and the supporting Exhibits under seal.

17  
18 DATED: September 12, 2014

**PLAINTIFFS’ COUNSEL**

19 s/ Michael K. Johnson

20 Michael K. Johnson

21 Attorney for Plaintiffs  
22  
23  
24  
25  
26  
27

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

s/Michael K. Johnson  
Michael K. Johnson  
Attorney for Plaintiffs